

# STATE OF NEW YORK

160

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to establishing the office of insurance consumer advocate within the department of financial services and describing its powers and duties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The insurance law is amended by adding a new section 210-a  
2 to read as follows:

3 § 210-a. Office of insurance consumer advocate. (a) There is hereby  
4 created within the department the office of insurance consumer advocate,  
5 hereafter referred to in this section as the office. Such office shall  
6 consist of five members, three of whom shall be appointed by the secre-  
7 tary of state and two of whom shall be appointed by the superintendent.  
8 Members of the office shall receive no compensation for their service as  
9 members, but shall be allowed their actual and necessary expenses  
10 incurred in the performance of their duties.

11 (b) The office, together with the department of state, shall:

12 (1) Assess the impact of insurance regulatory actions on New York  
13 consumers. Such assessment shall include the review of applications for  
14 subscriber rate changes filed by health insurance providers licensed  
15 pursuant to article forty-three of this chapter and article forty-four  
16 of the public health law.

17 (2) Appear at public hearings as a representative of consumers, treat-  
18 ed as a class, with respect to rate-setting matters that are before the  
19 superintendent that affect the consuming public.

20 (3) Possess all rights and powers of any party at interest appearing  
21 before the department with regard to examination and cross-examination  
22 of witnesses and presentation of evidence.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1     (4) Have access as any party, other than staff, to all records gath-  
2 ered by the department including nonprivileged material which is rele-  
3 vant to the subject matter involved in such proceedings before the  
4 department.

5     (5) Recommend insurance-related legislation to the legislature in  
6 consultation with the department of state that in its judgment would  
7 positively affect the interests of consumers.

8     The office shall not preempt the appearance of other consumer advo-  
9 cates at any official proceedings.

10    (c) The office shall be funded by an assessment upon all domestic  
11 insurers and all licensed United States branches of alien insurers domi-  
12 ciled in this state in the same manner as such insurers are assessed  
13 pursuant to section three hundred thirty-three of this chapter. Such  
14 assessment shall be for the purpose of defraying the costs of creating,  
15 administering and operating the office.

16    § 2. This act shall take effect on the sixtieth day after it shall  
17 have become a law.